

By: Eltife, Schwertner

S.B. No. 765

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of certain occupational license fees and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 201.354(d) and (g), Occupations Code, are amended to read as follows:

(d) A person whose license has been expired for 90 days or less may renew the license by paying to the board a renewal fee that is equal to ~~[the sum of]~~ 1-1/2 times the annual renewal fee set by the board under Section 201.153(a) ~~[and the increase in that fee required by Section 201.153(b)]~~. If a person's license has been expired for more than 90 days but less than one year, the person may renew the license by paying to the board a renewal fee that is equal to ~~[the sum of]~~ two times the annual renewal fee set by the board under Section 201.153(a) ~~[and the increase in that fee required by Section 201.153(b)]~~.

(g) A person may renew a license that has been expired for at least one year but not more than three years if:

(1) the board determines according to criteria adopted by board rule that the person has shown good cause for the failure to renew the license; and

(2) the person pays to the board:

(A) the annual renewal fee set by the board under Section 201.153(a) for each year in which the license was expired;

1 and

2 (B) an additional fee in an amount equal to the  
3 sum of:

4 (i) the annual renewal fee set by the board  
5 under Section 201.153(a), multiplied by the number of years the  
6 license was expired, prorated for fractional years; and

7 (ii) two times the annual renewal fee set by  
8 the board under Section 201.153(a) [~~and~~

9 [~~(C) the increase in the annual renewal fee~~  
10 ~~required by Section 201.153(b)]].~~

11 SECTION 2. Section 351.304(b), Occupations Code, is amended  
12 to read as follows:

13 (b) A person whose license has been expired for 90 days or  
14 less may renew the license by paying to the board a renewal fee that  
15 is equal to [~~the sum of~~] one and one-half times the annual renewal  
16 fee set by the board under Section 351.152 [~~and the additional fee~~  
17 ~~required by Section 351.153)]. If a person's license has been  
18 expired for more than 90 days but less than one year, the person may  
19 renew the license by paying to the board a renewal fee that is equal  
20 to [~~the sum of~~] two times the annual renewal fee set by the board  
21 under Section 351.152 [~~and the additional fee required by Section~~  
22 ~~351.153)].~~~~

23 SECTION 3. Section 351.306(b), Occupations Code, is amended  
24 to read as follows:

25 (b) The person must pay to the board a fee that is equal to  
26 the amount of the renewal fee set by the board under Section 351.152  
27 [~~351.153(a)]].~~

1 SECTION 4. Sections 801.303(b) and (c), Occupations Code,  
2 are amended to read as follows:

3 (b) A person whose license has been expired for 90 days or  
4 less may renew the license by paying to the board a renewal fee that  
5 is equal to ~~[the sum of]~~ 1-1/2 times the renewal fee set by the board  
6 under Section 801.154(a) ~~[and the additional fee required by~~  
7 ~~Section 801.154(b), if applicable]~~.

8 (c) A person whose license has been expired for more than 90  
9 days but less than one year may renew the license by paying to the  
10 board a renewal fee that is equal to ~~[the sum of]~~ two times the  
11 renewal fee set by the board under Section 801.154(a) ~~[and the~~  
12 ~~additional fee required by Section 801.154(b), if applicable]~~.

13 SECTION 5. Section 801.305(b), Occupations Code, is amended  
14 to read as follows:

15 (b) The person must pay to the board a fee that is equal to  
16 the amount of the renewal fee set by the board under Section  
17 801.154(a) ~~[and the additional fee required by Section 801.154(b)]~~.

18 SECTION 6. Section 901.405(f), Occupations Code, is amended  
19 to read as follows:

20 (f) A person who was licensed in this state, moved to  
21 another state, and is currently licensed and has been in practice in  
22 the other state for the two years preceding the date of application  
23 may obtain a new license without reexamination. A person described  
24 by this subsection whose license has been revoked under Section  
25 901.502(3) or (4) may obtain a new license under this subsection. A  
26 person described by this subsection must pay to the board a fee that  
27 is equal to two times the normally required renewal fee for the

1 license [~~and is not subject to additional fees under Section~~  
2 ~~901.408~~].

3 SECTION 7. Section 901.408(a), Occupations Code, is amended  
4 to read as follows:

5 (a) A person, other than a person described by Section  
6 901.405(f), who fails to pay the license renewal fee [~~or the~~  
7 ~~additional fee imposed under Section 901.407, as applicable,~~] and  
8 any late fee before the first anniversary of the due date of the  
9 renewal fee [~~or additional fee~~] may renew the person's license only  
10 by submitting to the board an application for renewal accompanied  
11 by payment of:

- 12 (1) all accrued fees, including late fees; and  
13 (2) the direct administrative costs incurred by the  
14 board in renewing the person's license.

15 SECTION 8. Sections 1001.353(b) and (c), Occupations Code,  
16 are amended to read as follows:

17 (b) A person whose license has been expired for 90 days or  
18 less may renew the license by paying to the board the required  
19 annual renewal fee and [~~]~~ a late renewal fee [~~, and any applicable~~  
20 ~~increase in fees as required by Section 1001.206~~].

21 (c) A person whose license has been expired for more than 90  
22 days but less than two years may renew the license by paying to the  
23 board the required annual renewal fee and [~~]~~ a late renewal fee [~~]~~  
24 ~~and any applicable increase in fees as required by Section~~  
25 ~~1001.206~~] for each delinquent year or part of a year.

26 SECTION 9. Section 1001.355(d), Occupations Code, is  
27 amended to read as follows:

1 (d) To return to active status, a license holder on inactive  
2 status must:

3 (1) file with the board a written notice requesting  
4 reinstatement to active status;

5 (2) pay the fee for the annual renewal of the license  
6 [~~and the fee increase required by Section 1001.206~~]; and

7 (3) provide evidence satisfactory to the board that  
8 the person has complied with the continuing education requirements  
9 adopted by the board.

10 SECTION 10. Section 1101.154(a), Occupations Code, is  
11 amended to read as follows:

12 (a) The fee for the issuance or renewal of a:

13 (1) broker license is the amount of the fee set under  
14 Section [~~Sections~~] 1101.152 [~~and 1101.153~~] and an additional \$20  
15 fee;

16 (2) salesperson license is the amount of the fee set  
17 under Section 1101.152 and an additional \$20 fee; and

18 (3) certificate of registration is the amount of the  
19 fee set under Section 1101.152 and an additional \$20 fee.

20 SECTION 11. The following provisions are repealed:

21 (1) Section 153.053, Occupations Code;

22 (2) Sections 201.153(b) and (c), Occupations Code;

23 (3) Section 254.004(b), Occupations Code;

24 (4) Section 351.153, Occupations Code;

25 (5) Section 501.153, Occupations Code;

26 (6) Sections 801.154(b), (c), and (d), Occupations  
27 Code;

- 1           (7) Section 901.406, Occupations Code;
- 2           (8) Section 901.407, Occupations Code;
- 3           (9) Section 901.410, Occupations Code;
- 4           (10) Section 1001.206, Occupations Code;
- 5           (11) Section 1051.652, Occupations Code;
- 6           (12) Section 1101.153, Occupations Code;
- 7           (13) Section 1105.003(e), Occupations Code;
- 8           (14) Subchapter H, Chapter 191, Tax Code; and
- 9           (15) Section 41, The Securities Act (Article 581-41,
- 10 Vernon's Texas Civil Statutes).

11           SECTION 12. The changes in law made by this Act do not  
12 affect a surcharge, additional fee, additional charge, fee  
13 increase, tax, or late fee imposed before the effective date of this  
14 Act, and the law in effect before the effective date of this Act is  
15 continued in effect for purposes of the liability for and  
16 collection of those surcharges, additional fees, additional  
17 charges, fee increases, taxes, and late fees.

18           SECTION 13. This Act takes effect September 1, 2015.